

Please read before your appointment. Both spouses must sign the acknowledgement on the back before meeting with a Legal Assistance Attorney. Thank you.

Welcome to the Fort Meade Legal Assistance Office! We are happy to advise you on your estate planning needs, to include wills and/or other estate planning documents for both of you. Because you have requested a joint appointment, the attorney you see today will represent both spouses, if you agree. Before the attorney may see you, the rules of professional responsibility for attorneys obligate us to inform you that a potential conflict of interest might arise that could prevent us from continuing as the lawyer for both of you in your estate planning. It is in your interest, and our ethical obligation to each of you, that you fully understand the considerations involved in such “dual representation.”

Your attorney’s representation of you and advice to you will likely include the following:

1. Analysis of your wills, codicils, trusts and property arrangements, if any;
2. Analysis of all property now owned by each of you, including consideration of the fair market value and the manner in which title to such property is now held, and other assets that may bear upon the value of your estate, such as life insurance or retirement accounts;
3. Discussions about the manner in which you wish to dispose of any property over which you may have any power of disposition at the time of your death;
4. Analysis of the tax impact of such disposition and recommendations for alternative dispositions;
5. Discussions of measures that can be taken to prepare for potential long-term illness or other incapacitation, and discussion of creating a living will if you do not desire to be put on life support in the event of a traumatic injury;
6. Preparation of the documents necessary to accomplish the desired disposition, including the drafting of wills and other documents as may be required.

Differences of opinion on the disposition of your property, under ethical rules, do not prevent me from continuing to represent both of you. However, during the course of estate planning, issues about the ownership of property, inclusion or exclusion of stepchildren, or other conflicts of interest between you may arise. Although it is rare, you should know that if a conflict arises which is of such a nature that we cannot adequately carry out our obligations to both of you, we will withdraw our representation, and advise both of you to seek separate and independent civilian attorneys.

Although joint representation may have the advantage of convenience and efficiency, joint representation also has the following possible disadvantages that you must acknowledge and accept as a condition of representation by the Fort Meade Legal Assistance Office:

- (1). Joint representation may result in less vigorous assertion or protection of one person’s individual or separate interests that if we represented only that person;
- (2). Joint representation has the further disadvantage that no attorney-client privilege would apply to communications between you or with the Legal Assistance

Attorney in any dispute between you. Normally, information given to your own lawyer is confidential and cannot be obtained by your spouse without your consent. In joint representation, however, information that either of you give the attorney relating to your estate plan cannot be kept from your spouse. In other words, the attorney cannot keep confidential from one of you any communication with your spouse in the course of the joint representation, and the attorney would be compelled to testify concerning any such communication if you ever went to court.

(3). When the attorney communicates with you concerning matters of potential conflict or the pros and cons of any particular item, the attorney may rely on communication with only one of you. For this reason and possibly others, joint representation may have the disadvantage of communication that is less complete or effective than if the attorney only represented one person.

(4). If you each had a separate attorney, you would each have an “advocate” for your position and would receive totally independent advice. However, when one law firm (here, the Legal Assistance Office) advises both of you, this is not the case. The attorney cannot be an advocate for one of you against the other, but must remain neutral if the two of you disagree.

After considering the information in this letter, each of you must decide whether you wish us to represent you jointly in connection with your estate planning matters. If you do, please sign the acknowledgement below and return it to the Legal Assistance Paralegal. If you have any questions regarding these issues, please discuss them with the Legal Assistance Attorney before signing the acknowledgement.

ACKNOWLEDGEMENT

Each of us has read and understands the information regarding dual representation as it affects our mutual and respective estate plans. We realize the potential for conflicts of interest and differences of opinion between us and that each of us has the rights expressed above. We know that each of us has the right at any time to hire an independent lawyer or to seek legal assistance at another military legal assistance office on these matters. We have discussed and evaluated the advantages and disadvantages of dual representation, and each of us request that the Fort Meade Legal Assistance Office represent both of us in connection with our estate planning and related matters. Each of us consents to dual representation. Each of us also knows and agrees that any communication and information the Fort Meade Legal Assistance Office receives from either of us relating to those matters may be shared with the other and will not be confidential.

Date: _____

Date: _____

Husband

Wife